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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,279	10/23/2003	Arthur Howarth	CISCP347/7692	4138
22434	7590	09/25/2007		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			NGUYEN, DUSTIN	
OAKLAND, CA 94612-0250				
			ART UNIT	PAPER NUMBER
			2154	
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			09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/693,279	HOWARTH ET AL.	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/20/2004, 05/04/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Drawings

2. The drawings are objected to because Figure 1 is not clearly shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 1, paragraph 0082 discloses intrinsic evident of carrier wave for "a machine-readable medium". "carrier wave" is being considered as non-statutory subject matter, fails to fall within a statutory category of invention because it is not a process, machine, manufacture nor composition of matter [Please see MPEP 2106].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki [US Patent Application No 2003/0018753], in view of Hummel, Jr. et al. [US Patent No 6,584,454].

6. As per claim 1, Seki discloses the invention as claimed including a computer program embodied in a machine-readable medium for providing controlled access to a home network [i.e. remotely controlling controlled apparatus on a home network] [Figure 1; Abstract; and

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paragraphs 0002 and 0017], the computer program including instructions for causing one or more devices of the home network to perform steps comprising:

receiving a log-in attempt from a remote user, the log-in attempt originating from an Internet protocol address [i.e. receive connection request from the remote terminal] [ST404, Figure 4A; Abstract; paragraphs 0133 and 0134.];

verifying that the remote user is an authorized user of the home network [i.e. user authentication] [paragraphs 0134, 0135 and 0173];

generating a network address translation rule associating the Internet protocol address with a port of a device on the home network [i.e. address conversion or protocol conversion] [ST434, ST435, Figure 4B; and paragraphs 0162, 0167 and 0175];

displaying a graphical user interface to the remote user [i.e. selection screen displayed for remote terminal] [Figures 5-8 and 10; and paragraphs 0132, 0137, and 0140].

Seki does not specifically disclose

the graphical user interface allowing the remote user to select only content or services that the remote user is authorized to select;

receiving a selection request from the remote user; and

providing content or services to the remote user according to the selection request.

Hummel discloses

the graphical user interface allowing the remote user to select only content or services that the remote user is authorized to select [i.e. determine whether user has access right] [170, 172, Figure 6; Abstract; col 10, lines 43-48; and col 11, lines 1-8];

receiving a selection request from the remote user [i.e. the system user selecting] [Figure 6; and col 9, lines 14-43]; and

providing content or services to the remote user according to the selection request [i.e. deliver] [178, Figure 6; Abstract; and col 2, lines 53-62].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Seki and Hummel because the teaching of Hummel on user access right would provide software protection and license monitoring of application software and information files for remote applications [Hummel, col 1, lines 7-9].

7. As per claim 2, Seki discloses instructions for causing a gateway of the home network to transmit authentication information regarding the remote user to one or more devices of the home network after verifying that the remote user is an authorized user of the home network [paragraphs 0156 and 0193].

8. As per claim 3, Seki discloses instructions for causing a gateway of the home network to communicate with the remote user according to a first protocol different from a second protocol used for communication between the gateway and one or more devices of the home network [i.e. rewrite the header information of the packet from IP to IEEE1394] [ST434, ST435, Figure 4B; and paragraph 0162].

9. As per claim 4, Seki discloses wherein the first protocol is HTTP [Abstract; and paragraphs 0112, 0131 and 0136].

10. As per claim 5, Seki discloses wherein the second protocol is a content protocol [paragraphs 0005 and 0105].

11. As per claim 6, it is rejected for similar reasons as stated above in claims 1. Furthermore, Seki discloses a gateway configured to provide controlled access to a home network, the gateway comprising: a first port configured a second port configured for attaching a network device of the home network [10, Figure 1; and paragraphs 0104-0106].

12. As per claim 7, it is rejected for similar reasons as stated above in claim 1.

13. As per claim 8, it is rejected for similar reasons as stated above in claim 6.

14. As per claim 9, it is rejected for similar reasons as stated above in claim 3.

15. As per claim 10, Seki discloses wherein the first network device comprises a personal computer or a network attached storage device [12, 13, Figure 1; and paragraph 0104 and 0108].

16. As per claim 11, it is rejected for similar reasons as stated above in claim 1. Furthermore, Seki discloses a second network device, the gateway being further configured to: receive a second selection request from the remote user; and provide services to the remote user from the

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second network device according to the second selection request [i.e. making newly request] [Figures 5-8 and 10; and paragraphs 0132 and 0166].

17. As per claim 12, Seki discloses wherein the second network device is a webcam or a device for streaming audio data [Figure 5; and paragraphs 0004].

18. As per claims 13-17, they are rejected for similar reasons as stated above in claims 1-5.

19. As per claim 18, it is rejected for similar reasons as stated above in claim 1.

20. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long, sweeping horizontal line extending to the right.